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VIA ECF

January 17, 2024

Honorable Eric Komitee
United States District Court
Easter District of New York
225 Cadman Plaza East, Room 6G North
Brooklyn, New York 11201
New York, NY 10007

Re: **Rule 60(b)(1) – Letter Motion to Set Aside for Mistake & Inadvertence
Formally Known As
Women of Color for Equal Justice et al. v. New York, et.al
Civil Action No: 22-cv-02234**

Dear Judge Komitee:

I am the Chief Legal Office for the Women of Color For Equal Justice Law Center and attorney of record for the proposed Class of Plaintiffs named in the above referenced case.

Pursuant to Rule 60(b)(1) counsel requests that the Court set aside its Order dated January 10, 2024 ordering Plaintiffs to file their Fourth Amended Complaint on the federal holiday of Martin Luther King, Jr. one of the greatest Civil Rights advocates in the U.S. on January 15, 2024. Regretfully, counsel mistakenly believed that Rule 6(b)(1)(c) afforded counsel an additional day to file the Fourth Amended Complaint on January 16, 2024 because the due date fell on the federal holiday. Counsel has in fact filed the 4th Amended Complaint, but admits the mistaken and inadvertent reading of the rule without careful review of the committee notes. However, the mistake was for the purpose of convening a meeting with the proposed class of Plaintiffs to discuss the status of the case and this Court's order before the filing and to participate in the federal holiday to provide volunteer services for those with mental health challenges.

Consequently, Counsel requests the Court to set aside its Order with deadlines for Plaintiffs and the City's responsive filings and reset the filing deadlines as follows:

1. Plaintiffs Fourth Amended Complaint due **August 18, 2024** – Counsel realized that the Exhibits need to be filed also, which were inadvertently left off out the filing with a correction to the pleading also.
2. Defendant New York City – **February 6, 2024** deadline to file a response to the Fourth Amended Complaint

Please note that counsel has conferred with Assistant Corporate Counsel Elisheva L. Rosen attorney of record for the Defendants the City and ultimately agreed to the two-week extension before Ms. Rosen filed the City's letter motion for an extension. Because Ms. Rosen failed to disclose the reason for the requested extension and her language appeared to seek the request for delay tactic purposes,

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this counsel initially refused the extension. However, within approximately 30 minutes of the refusal this counsel sent an email apologizing for the misunderstanding and granted the two-week extension so that this Court would not have to get involved in this dispute.

Notwithstanding the forgoing error in judgment, this issue is not one that warrants a “gotcha” order by this court striking the Fourth Amended Complaint and granting any motion to dismiss not on the merits. A motion to set aside is most appropriate with a rescheduling deadlines that have been agreed to by this counsel.

Your Honor, please understand our tiny law center continues to manage the pain that the Plaintiffs have been experiencing due to the actions taken by the City to end their careers and leave them with nothing. Most of the proposed class of Plaintiffs have been out of work now for over 2 years and many have reapplied for their jobs or any job with the City and the City has refused to hire many of them. Those who have been hired have been put in jobs making way less than before, and they are starting all over as new employees who have lost their tenure and benefits. Many have been blackballed, and many do not have resources to move out the City to start their lives over.

Consequently, this counsel’s overreaction to the City’s counsel request was due in part to the fact that this case has been dormant for over 90 days and all of the legal issues - including Plaintiffs claims regarding the City’s fraud – have been well briefed. Counsel could not understand why a two-week extension was needed without any explanation by the City’s counsel. Nothing new has been alleged in Plaintiff’s Fourth Amended Complaint.

Nevertheless, this counsel apologizes for this situation escalating to the point that this Court must intervene to bring resolution. We hope that this Court will grant the new deadlines.

Thank you for your time and attention to this letter motion to set aside the January 10, 2024 Order.

Respectfully Submitted,

/s/ Jo Saint-George, Esq.

Jo Saint-George, Esq.

Chief Legal Officer

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